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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 21 फरवरी, 2022

का.आ. 399.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य सरकार, गृह विभाग, मुंबई के आदेश सं. सीबीआई 1621/सी.आर. 725/पीओएल-2, दिनांक 02 दिसंबर, 2021 के माध्यम से जारी सम्मति से, श्री सिद्धार्थ शंकर कौशिक, निरीक्षक, सीजीएसटी, साई कॉम्प्लेक्स, चित्रालया, बॉईसार, जिला-पालघर, महाराष्ट्र के विरुद्ध भ्रष्टाचार निरोधक अधिनियम, 1988 (1988 का 49) के अंतर्गत दिनांक 30.11.2021 को दर्ज कराई गई शिकायत, जिसके आधार पर दिनांक 03.12.2021 को एक सीबीआई मामला सं. आरसी0262021ए00012 दर्ज किया गया है, से उत्पन्न अपराध(धों) का अन्वेषण करने तथा ऐसे अपराध(धों) से

जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 03.12.2021 से) समस्त महाराष्ट्र राज्य में करती है।

[फा. सं. 228/04/2022-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 21st February, 2022

S.O. 399.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Maharashtra, issued vide Order No. CBI 1621/C.R. 725/PoL-2 dated 02 December, 2021 of Home Department, Mumbai, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 03.12.2021) to the whole State of Maharashtra for investigation into the offence(s) arising out of the complaint dated 30.11.2021 against Shri Siddharth Shankar Kaushik, Inspector, CGST, Sai Complex, Chitralaya, Boisar, Distt.- Palghar, Maharashtra under the Prevention of Corruption Act, 1988 (49 of 1988) based on which a CBI Case No. RC0262021A00012 has been registered on 03.12.2021 and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/04/2022-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 14 मार्च, 2022

का.आ. 400.—केंद्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार, गृह (पुलिस) अनुभाग-11, लखनऊ के आदेश सं. 1095(1)/6-पी-11-2021-42एम/2021 द्वारा जारी और सं. 1095/6-पी-11-2021-42एम/2021, दिनांक 23.09.2021 के माध्यम से प्राप्त सम्मति से वाराणसी कैट प्रधान डाक घर में विभिन्न डाक खातों से सरकारी धनराशि की बेईमानी से निकासी करने और दुर्विनियोजन करने के संबंध में दिनांक 05.09.2019 को थाना कैट वाराणसी में भारतीय दंड संहिता (1860 का 45) की धाराएं 420, 406, 409 के अंतर्गत दर्ज अपराध सं. 1175/2019 से जुड़े अपराध(धों) का अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त उत्तर प्रदेश राज्य में करती है।

[फा. सं. 228/61/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 14th March, 2022

S.O. 400.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh issued vide Order No. 1095(1)/6-P-11-2021-42M/2021, Home (Police) Section-11, Lucknow and conveyed vide No. 1095/6-P-11-2021-42M/2021 dated 23.09.2021, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Uttar Pradesh for investigation into the offence(s) relating to case Crime No. 1175/2019, registered at Police Station Cantt. Varanasi on 05.09.2019 under sections 420, 406, 409 of the Indian Penal Code (45 of 1860)

pertaining to dishonestly withdrawal and misappropriation of Government money from various postal accounts at Varanasi Cantt. Head Post Office and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/61/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 5 अप्रैल, 2022

का.आ. 401.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों, जिनकी जाँच दिल्ली विशेष पुलिस स्थापना के सदस्यों द्वारा भी की जानी है, को विनिर्दिष्ट करती है, नामतः -

- (क) अविनियमित जमा योजना पर पाबंदी लगाने संबंधी अधिनियम, 2019 (वर्ष 2019 का 21) के अंतर्गत किए गए दण्डनीय अपराधों;
- (ख) ऐसे अपराध (धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध (धों)।

[फा. सं. 228/22/2022-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 5th April, 2022

S.O. 401.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby specifies the following offences which are also to be investigated by the members of the Delhi Special Police Establishment, namely: -

- (a) Offences punishable under the Banning of Unregulated Deposit Schemes Act, 2019 (21 of 2019);
- (b) Any attempt, abetment and/or conspiracy, in relation to or in connection with above mentioned offence(s) and/or for any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/22/2022-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 6 अप्रैल, 2022

का.आ. 402.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य सरकार, गृह विभाग, मुंबई के आदेश सं. सीबीआई 2021/सीआर 114/पीओएल-2, दिनांक 22 फरवरी, 2022 के माध्यम से जारी सम्मति से, श्री जगदीश भास्कर पाटिल द्वारा दिनांक 08.06.2020 को अनुचित लाभ की मांग करने के संबंध में भ्रष्टाचार निरोधक अधिनियम, 1988 के अंतर्गत दण्डनीय अपराध करने के लिए श्री मंगेश घयावत, तत्कालीन सीबीआई निरीक्षक, एसीबी मुंबई के विरुद्ध दर्ज कराई गई शिकायत से उत्पन्न अपराध(धों) का अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त महाराष्ट्र राज्य में करती है।

[फा. सं. 228/20/2022-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 6th April, 2022

S.O. 402.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Maharashtra, issued vide Order No. CBI 2021/CR 114/POL-2 dated 22nd February, 2022 of Home Department, Mumbai, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Maharashtra for investigation into the offence(s) arising out of the complaint dated 08.06.2020 lodged by Shri Jagdish Bhaskar Patil against Shri Mangesh Ghayawat, the then Inspector of CBI, ACB, Mumbai pertaining to demand of undue advantage punishable under the Prevention of Corruption Act, 1988 and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence (s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/20/2022-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 6 अप्रैल, 2022

का.आ. 403.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य सरकार, गृह विभाग, मुंबई के आदेश सं. सीबीआई 1621/सी.आर.657/पीओएल-2, दिनांक 17 जनवरी, 2022 के माध्यम से जारी सम्मति से, श्री दिलिप कुमार, निरीक्षक, आयकर, मुंबई द्वारा आय के ज्ञात स्रोतों से अधिक संपत्ति या धन रखने के संबंध में संशोधन पूर्व भ्रष्टाचार निरोधक अधिनियम, 1988 (1988 का 49) की धारा 13(2) सपठित धारा 13(1)(ई) और वर्तमान भ्रष्टाचार निरोधक अधिनियम, 1988 (1988 का 49) (2018 का अधिनियम 16 द्वारा यथासंशोधित) की धारा 13(2) सपठित धारा 13(1)(बी) के अंतर्गत किए गए अभिकथित अपराध(धों) का अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त महाराष्ट्र राज्य में करती है।

[फा. सं. 228/18/2022-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 6th April, 2022

S.O. 403.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Maharashtra, issued vide Order No. CBI 1621/C.R.657/Pol-2 dated 17th January, 2022, Home Department, Mumbai, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Maharashtra for investigation into the offence (s) under section 13(2) r/w section 13(1)(e) (before amendment to the Prevention of Corruption Act, 1988) (49 of 1988) and presently corresponding section 13(2) r/w section 13(1)(b) of the Prevention of Corruption Act, 1988 (49 of 1988) (as amended by Act 16 of 2018) alleged to have been committed by Shri Dilip Kumar, Inspector, Income Tax, Mumbai pertaining to be in possession of pecuniary resources or property disproportionate to his known sources of income and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/18/2022-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 6 अप्रैल, 2022

का.आ. 404.—केंद्र सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 5 की उपधारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य सरकार, गृह विभाग, मुंबई के दिनांक 17 जनवरी, 2022 के आदेश सं. सीबीआई 1621/सी.आर. 441/पॉल-2 के माध्यम से जारी सम्मति से, श्री सचिन सावंत, भारतीय राजस्व सेवा (सीमा शुल्क एवं केंद्रीय उत्पाद शुल्क:2008), श्रीमती हेमा सावंत एवं श्री बालासाहेब सावंत द्वारा कथित रूप से आय के ज्ञात स्रोतों से अधिक आर्थिक संसाधनों या संपत्ति के कब्जे में होने के संबंध में भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) (संशोधन पूर्व) की धारा 13(2) सपठित धारा 13(1)(ई) के अनुरूप भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) (2018 के अधिनियम 16 द्वारा यथा संशोधित) की धारा 13(2) सपठित धारा 13(1)(बी) एवं भारतीय दंड संहिता, 1860 (1860 का 45) की धारा 109 के तहत अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे सम्बद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त महाराष्ट्र राज्य में करती है।

[फा. सं. 228/10/2022-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 6th April, 2022

S.O. 404.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Maharashtra, issued vide Order No. CBI 1621/C.R. 441/Pol-2 dated 17th January, 2022, Home Department, Mumbai, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Maharashtra for investigation into the offence(s) under section 13(2) r/w section 13(1)(e) of the Prevention of Corruption Act, 1988 (49 of 1988) (before amendment) corresponding section 13(2) r/w section 13(1)(b) of the Prevention of Corruption Act, 1988 (49 of 1988) (as amended by Act 16 of 2018) and section 109 of Indian Penal Code (45 of 1860) alleged to have been committed by Shri Sachin Sawant, Indian Revenue Service (Customs & Central Excise:2008), Smt. Hema Sawant and Shri Balasaheb Sawant pertaining to be in possession of pecuniary resources or property disproportionate to the known sources of income and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/10/2022-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 6 अप्रैल, 2022

का.आ. 405.—केंद्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उपधारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य सरकार, गृह विभाग, मुंबई के आदेश सं. सीबीआई 2021/सीआर499/पोल-2, दिनांक 06.09.2021, के माध्यम से जारी सम्मति से, श्रीमती गोपिका मांकर, पुलिस उप निरीक्षक, रेलवे सुरक्षा बल, वारोरा रेलवे स्टेशन के विरुद्ध दिनांक 04.09.2021 को भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) के तहत दर्ज कराई गई शिकायत, जिसके आधार पर दिनांक 12.10.2021 को एक सीबीआई मामला, आरसी 0282021ए0005 दर्ज की गई है, से उत्पन्न अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 12.10.2021 से) समस्त महाराष्ट्र राज्य में करती है।

[फा. सं. 228/09/2022-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 6th April, 2022

S.O. 405.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Maharashtra, issued vide Order No. CBI 2021/CR499/POL-2 dated 06.09.2021, Home Department, Mumbai, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 12.10.2021) to the whole State of Maharashtra for investigation into the offence(s) arising out of the complaint dated 04.09.2021 against Smt. Gopika Mankar, Police Sub-Inspector, Railway Protection Force, Warora Railway Station under the Prevention of Corruption Act, 1988 (49 of 1988) based on which a CBI Case RC 0282021A0005 has been registered on 12.10.2021 and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/09/2022-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 6 अप्रैल, 2022

का.आ. 406.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उपधारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य सरकार, आदेश सं. सीबीआई 2021/सीआर 460/पीओएल-2, दिनांक 15.11.2021, गृह विभाग, मुंबई, के माध्यम से जारी सम्मति से, श्री सूर्यकांत सांगले, सिविलियन गैजेटेड ऑफिसर, (सीजीओ), भारतीय वायु सेना, 2 विंग, लोहेगांव, पुणे के विरुद्ध दिनांक 15.11.2021 को भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) के तहत दर्ज कराई गई शिकायत, जिसके आधार पर दिनांक 15.11.2021 को एक सीबीआई मामला, आरसी पुणे/2021/ए/003 दर्ज की गई है, से उत्पन्न अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरण और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 15.11.2021 से) समस्त महाराष्ट्र राज्य में करती है।

[फा. सं. 228/08/2022-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 6th April, 2022

S.O. 406.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Maharashtra, issued vide Order No. CBI -2021/CR-460/POL-2 dated 15 November, 2021 Home Department, Mumbai, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 15.11.2021) to the whole State of Maharashtra for investigation into the offence(s) arising out of the complaint dated 15.11.2021 against Shri Suryakant Sangle, Civilian Gazetted Officer (CGO), Indian Air Force, 2 Wing, Lohegaon, Pune under the Prevention of Corruption Act, 1988 (49 of 1988) based on which a CBI Case No. RC PUNE/2021/A/003 has been registered on 15.11.2021 and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/08/2022-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 13 अप्रैल, 2022

का. आ. 407.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित अधिवक्ताओं को, दिल्ली उच्च न्यायालय के समक्ष दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषित किए गए प्रकरणों से उत्पन्न मामलों का अभियोजन, अपील, पुनरीक्षण और अन्य विषयों का संचालन करने और उससे संबंधित या उनके अनुषंगिक मामलों के लिए उनकी नियुक्ति की तारीख से तीन वर्षों की अवधि के लिए या अगला आदेश होने तक, जो भी पूर्वतर हो, विशेष लोक अभियोजक नियुक्त करती है:-

क्र.सं.	अधिवक्ताओं का नाम (एस/श्री/सुश्री)
1.	अतुल गुलेरिया
2.	अनुराग अहलुवालिया
3.	जीवेश नागरथ
4.	सुश्री सुमन चौहान
5.	सुश्री अनुभा भारद्वाज

[फा. सं. 225/29/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 13th April, 2022

S.O. 407.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints the following Advocates, as Special Public Prosecutors for conducting the Prosecution, Appeals, Revisions and other matters arising out of the cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), before the High Court of Delhi and for matters connected therewith or incidental thereto, for a period of three years from the date of their appointment or until further orders, whichever is earlier, namely :-

Sl. No.	Name of Advocates (S/Shri/Ms.)
1.	Atul Guleria
2.	Anurag Ahluwalia
3.	Jeevesh Nagrath
4.	Ms. Suman Chauhan
5.	Ms. Anubha Bhardwaj

[F. No. 225/29/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 13 अप्रैल, 2022

का.आ. 408.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा अधिवक्ता श्री दर्विंदर पाल सिंह को विचारण न्यायालय में दिल्ली विशेष पुलिस स्थापना (केंद्रीय अन्वेषण ब्यूरो) द्वारा संस्थित सीबीआई मामला आरसी-13(ई)/2017/सीबीआई/ईओयू4/ईओ2/नई दिल्ली के अभियोजन का संचालन करने के लिए इस मामले में विधि द्वारा स्थापित किसी अपीलीय अथवा पुनरीक्षण न्यायालय में अपील, पुनरीक्षण और इस मामले से उत्पन्न अन्य मामलों में अभियोजन का संचालन करने हेतु उनकी नियुक्ति की तारीख से तीन वर्षों की अवधि के लिए अथवा इस मामले के निस्तारण तक, जो भी पहले हो, विशेष लोक अभियोजक नियुक्त करती है।

[फा. सं. 225/21/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 13th April, 2022

S.O. 408.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Davinder Pal Singh, Advocate as Special Public Prosecutor for conducting the prosecution of CBI Case RC-13(E)/2017/CBI/EOU-IV/EO-II/New Delhi, instituted by the Delhi Special Police Establishment (Central Bureau of Investigation), in the Trial Court, appeals, revisions and other matters arising out of this case in any Appellate or Revisional Courts established by law, for a period of three years from the date of his appointment or till disposal of the case, whichever is earlier.

[F. No.225/21/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 18, अप्रैल, 2022

का.आ. 409.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री प्रभाकांत शुक्ला, श्री शशांक इंदुपुरकर, श्री रवि चौधरी, श्री राजू शर्मा और श्री सुशील चंद्र चतुर्वेदी, अधिवक्ताओं को, मध्य प्रदेश उच्च न्यायालय, ग्वालियर न्यायपीठ के समक्ष, दिल्ली विशेष पुलिस स्थापन (केन्द्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषण किए गए मामलों से उत्पन्न होने वाले अभियोजन, अपील, पुनरीक्षण और अन्य विषयों का संचालन करने और उनसे संबंधित या उनसे आनुषंगिक मामलों के लिए, उनकी नियुक्ति की तारीख से तीन वर्ष की अवधि के लिए या अगला आदेश होने तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजकों के रूप में नियुक्त करती है।

[फा. सं. 225/25/2021-एवीडी-2]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 18th April, 2022

S.O. 409.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Sh. Prabha Kant Shukla, Sh. Shashank Indapurkar, Sh. Ravi Choudhary, Sh. Raju Sharma and Sh. Sushil Chandra Chaturvedi, Advocates as Special Public Prosecutors for conducting the Prosecution, Appeals, Revisions and other matters arising out of the cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), before the High Court Madhya Pradesh, Gwalior Bench and for matters connected therewith or incidental thereto, for a period of three years from the date of their appointment or until further orders, whichever is earlier.

[F. No. 225/25/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 19 अप्रैल, 2022

का.आ. 410.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री एस.वी. राजू, भारत के अपर महा-सालिसिटर को केन्द्रीय अन्वेषण ब्यूरो मामला, आरसी 7(एस)/2021/एससीयू.वी/सीबीआई/एससी-II नई दिल्ली, (भारतीय अंतरिक्ष अनुसंधान संगठन मामला), से उद्भूत मामले में भारत के उच्चतम न्यायालय, अहमदाबाद स्थित गुजरात उच्च न्यायालय, एरनाकुलम स्थित केरल उच्च न्यायालय, दिल्ली उच्च न्यायालय, त्रिवेंद्रम के सत्र न्यायालय और त्रिवेंद्रम स्थित मुख्य न्यायिक मजिस्ट्रेट न्यायालय या विशेष न्यायिक मजिस्ट्रेट न्यायालय, में अभियोजन का संचालन, अपील या पुनरीक्षण करने हेतु तारीख 01.07.2021 से तीन वर्षों की अवधि के लिए या मामले के निपटान होने तक, जो भी पहले हो, विशेष लोक अभियोजक नियुक्त करती है।

[फा. सं. 225/40/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 19th April, 2022

S.O. 410.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri S.V. Raju, Advocate Additional Solicitor General of India as Special Public Prosecutor for conducting prosecution, appeal, revision or other proceedings arising out of Central Bureau of Investigation case, RC 07(S)/2021-SCU.V/CBI/SC-II/New Delhi, (Indian Space Research Organisation Case), before the Supreme Court of India, High Court of Gujarat at Ahmedabad, High Court of Kerala at Ernakulum, High Court of Delhi, Sessions Court at Trivandrum and the Chief Judicial Magistrate Court or Special Judicial Magistrate Court at Trivandrum, for a period of three years with effect from 1st July, 2021 or till disposal of the case, whichever is earlier.

[F. No.225/40/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 21 अप्रैल, 2022

का.आ. 411.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिवक्ता श्री सुभाष चंद्र केयाल, और अधिवक्ता श्री मानश हालोई को, गुवाहाटी स्थित गुवाहाटी उच्च न्यायालय के समक्ष, दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषण किए गए मामलों से उत्पन्न होने वाले अभियोजन, अपील, पुनरीक्षण और अन्य विषयों का संचालन करने और उनसे संबंधित या उनसे आनुषंगिक मामलों के लिए, उनकी नियुक्ति की तारीख से तीन वर्ष की अवधि के लिए या अगला आदेश होने तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा.सं. 225/20/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 21st April, 2022

S.O. 411.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Subhash Chandra Keyal, Advocate and Shri Manash Haloi, Advocate, as Special Public Prosecutor for conducting the prosecution, appeal, revision and other matters arising out of the cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), before the High Court of Guwahati at Guwahati and for matters connected therewith or incidental thereto, for a period of three years from the date of their appointment or until further orders, whichever is earlier.

[F. No. 225/20/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 22 अप्रैल, 2022

का.आ. 412.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिवक्ता श्री जग मोहन सक्सेना, अधिवक्ता श्री प्रशांत चतुर्वेदी, अधिवक्ता श्री प्रदीप कुमार और अधिवक्ता श्री श्याम सिंह यादव को, जयपुर स्थित राजस्थान उच्च न्यायालय के समक्ष, दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषण किए गए मामलों से उत्पन्न होने वाले अभियोजन, अपील, पुनरीक्षण और अन्य विषयों का संचालन करने और उनसे संबंधित या उनसे आनुषंगिक मामलों के लिए, उनकी नियुक्ति की तारीख से तीन वर्ष की अवधि के लिए या अगला आदेश होने तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/16/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 22nd April, 2022

S.O. 412.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Jag Mohan Saxena, Advocate, Shri Prashant Chaturvedi, Advocate, Shri Pradeep Kumar, Advocate and Shri Shyam Singh Yadav, Advocate, as Special Public Prosecutor for conducting the prosecution, appeal, revision and other matters arising out of the cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), before the High Court of Rajasthan at Jaipur and for matters connected therewith or incidental thereto for a period of three years from the date of their appointment or until further orders, whichever is earlier.

[F. No. 225/16/2021–AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 22 अप्रैल, 2022

का.आ. 413.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सुश्री आशा ए. देसाई, अधिवक्ता और श्री बर्रेटों अंटोनिओ जोस सिप्रियानों फर्नांडीस, अधिवक्ता को, बाम्बे उच्च न्यायालय, गोवा के समक्ष दिल्ली विशेष पुलिस स्थापन (केन्द्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषित किए गए प्रकरणों से उत्पन्न मामलों का अभियोजन, अपील, पुनरीक्षण और अन्य विषयों का संचालन करने और उससे संबंधित या उनके आनुषंगिक मामलों के लिए उनकी नियुक्ति की तारीख से तीन वर्षों की अवधि के लिए या अगला आदेश होने तक, जो भी पूर्वतर हो, विशेष लोक अभियोजक नियुक्त करती है।

[फा. सं. 225/17/2021-एवीडी-II]

संजय कुमार चौरासिया, अवर सचिव

New Delhi, the 22nd April, 2022

S.O. 413.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Ms. Asha A. Desai, Advocate and Shri Barreto Antonio Jose Cipriano Fernandes, Advocate as Special Public Prosecutor for conducting the prosecution, appeal, revision and other matters arising out of the cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), before the High Court of Bombay at Goa and for matters connected therewith or incidental thereto for a period of three years from the date of their appointment or until further orders, whichever is earlier.

[F. No. 225/17/2021 – AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 22 अप्रैल, 2022

का.आ. 414.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री बी. गोपा कुमार, अधिवक्ता और श्री वैभव ए. गोवर्धन, अधिवक्ता को, छत्तीसगढ़ उच्च न्यायालय के समक्ष दिल्ली विशेष पुलिस स्थापन (केन्द्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषित किए गए प्रकरणों से उत्पन्न मामलों का अभियोजन, अपील, पुनरीक्षण और अन्य विषयों का संचालन करने और उससे संबंधित या उनके आनुषंगिक मामलों के लिए उनकी नियुक्ति की तारीख से तीन वर्षों की अवधि के लिए या अगला आदेश होने तक, जो भी पूर्वतर हो, विशेष लोक अभियोजक नियुक्त करती है।

[फा. सं. 225/19/2021-एवीडी-II]

संजय कुमार चौरासिया, अवर सचिव

New Delhi , the 22nd April, 2022

S.O. 414.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri B. Gopa Kumar, Advocate and Shri Vaibhav A. Goverdhan, Advocate, as Special Public Prosecutor for conducting the prosecution, appeal, revision and other matters arising out of the cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), before the High Court of Chhattisgarh and for matters connected therewith or incidental thereto for a period of three years from the date of their appointment or until further orders, whichever is earlier.

[F. No. 225/19/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 22 अप्रैल, 2022

का.आ. 415.—केंद्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिवक्ता श्री अवनीश कुमार सिंह, अधिवक्ता श्री सौरेंद्र पांडे और अधिवक्ता सुश्री निवेदिता निर्विकार को, पटना उच्च न्यायालय के समक्ष, दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषण किए गए मामलों से उत्पन्न होने वाले अभियोजन, अपील, पुनरीक्षण और अन्य विषयों का संचालन करने और उनसे संबंधित या उनसे आनुषंगिक मामलों के लिए, उनकी नियुक्ति की तारीख से तीन वर्ष की अवधि के लिए या अगला आदेश होने तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजकों के रूप में नियुक्त करती है।

[फा. सं. 225/23/2021-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 22nd April, 2022

S.O. 415.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Avani Singh, Advocate, Shri Sourendra Pandey, Advocate and Ms. Nivedita Nirvikar, Advocate, as Special Public Prosecutor for conducting the prosecution, appeal, revision and other matters arising out of the cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), before the High Court of Judicature at Patna and for matters connected therewith or incidental thereto, for a period of three years from the date of their appointment or until further orders, whichever is earlier.

[F. No.225/23/2021-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 22 अप्रैल, 2022

का.आ. 416.—केंद्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री विक्रम सिंह, अधिवक्ता, श्री पंकज दुबे, अधिवक्ता और श्री सुधीर कुमार शर्मा, अधिवक्ता को दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) द्वारा जाँच किए गए मामलों और उनसे उद्भूत अन्य मामलों तथा उससे संबंधित या उससे आनुषंगिक विषयों के संबंध में मध्य प्रदेश उच्च न्यायालय, जबलपुर के समक्ष अभियोजन का संचालन, अपील या पुनरीक्षण करने हेतु, उनकी नियुक्ति की तारीख से तीन वर्षों की अवधि के लिए या अगले आदेश तक, जो भी पहले हो, विशेष लोक अभियोजक नियुक्त करती है।

[फा. सं. 225/26/2021-एवीडी II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 22nd April, 2022

S.O. 416.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Sh. Vikram Singh, Advocate, Sh. Pankaj Dubey, Advocate and Sh. Sudhir Kumar Sharma, Advocate as Special Public Prosecutor for conducting the prosecution, appeal, revision and other matters arising out of the cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), before the High Court Madhya Pradesh, Jabalpur and for matters connected therewith or incidental thereto for a period of three years from the date of their appointment or until further order, whichever is earlier.

[F. No. 225/26/2021–AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 22 अप्रैल, 2022

का.आ. 417.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिवक्ता डा. एम. डी. पूर्णाचारी, अधिवक्ता श्री एन. मोहिदीन बाशा, अधिवक्ता श्री सी. मुथु सर्वानन और अधिवक्ता श्री एम. करुणानिधि को, मदुरै न्यायपीठ में मद्रास उच्च न्यायालय के समक्ष, दिल्ली विशेष पुलिस स्थापन (केन्द्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषण किए गए मामलों से उत्पन्न होने वाले अभियोजन, अपील, पुनरीक्षण और अन्य विषयों का संचालन करने और उनसे संबंधित या उनसे आनुषंगिक मामलों के लिए, उनकी नियुक्ति की तारीख से तीन वर्ष की अवधि के लिए या अगला आदेश होने तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजकों के रूप में नियुक्त करती है।

[फा. सं. 225/27/2021-एवीडी II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 22nd April, 2022

S.O. 417.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Dr. M. D. Poornachari, Advocate, Shri N. Mohideen Basha, Advocate, Shri C. Muthu Saravanan, Advocate and Shri M. Karunanithi, Advocate as Special Public Prosecutors for conducting the Prosecution, Appeal, Revision and other matters arising out of the cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), before the High Court of Madras at Madurai Bench and for matters connected therewith or incidental thereto for a period of three years from the date of their appointment or until further order, whichever is earlier.

[F. No. 225/27/2021–AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

नई दिल्ली, 22 अप्रैल, 2022

का.आ. 418.—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री प्रशांत कुमार साथियानाथन को, नागपुर स्थित, बम्बई उच्च न्यायालय, नागपुर न्यायपीठ के समक्ष, दिल्ली विशेष पुलिस स्थापन (केन्द्रीय अन्वेषण ब्यूरो) द्वारा अन्वेषण किए गए मामलों से उत्पन्न होने वाले अभियोजन, अपील, पुनरीक्षण और अन्य विषयों का संचालन करने और उनसे संबंधित या उनसे आनुषंगिक मामलों के लिए, उनकी नियुक्ति की तारीख से तीन वर्ष की अवधि के लिए या अगला आदेश होने तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजकों के रूप में नियुक्त करती है।

[फा. सं. 225/28/2021-एवीडी II]

संजय कुमार चौरसिया, अवर सचिव

New Delhi, the 22nd April, 2022

S.O. 418.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Prashant Kumar Sathianathan, Advocate as Special Public Prosecutor for conducting the prosecution, appeal, revision and other matters arising out of the cases investigated by the Delhi Special Police Establishment (Central Bureau of Investigation), before the Bombay High Court, Nagpur Bench at Nagpur and for matters connected therewith or incidental thereto for a period of three years from the date of his appointment or until further orders, whichever is earlier.

[F. No. 225/28/2021 –AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 27 अप्रैल, 2022

का.आ. 419.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 05/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.04.2022 को प्राप्त हुआ था।

[सं. एल-20012/58/2013-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 27th April, 2022

S.O. 419.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/2014) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 27.04.2022.

[No. L-20012/58/2013–IR (CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 05/2014**

Employer in relation to the management of P.B. Area of M/s. BCCL

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For Employer : Sri S. N. Gosh, Advocate

For workman : Sri S. K. Sinha, Advocate

State : Jharkhand.

Industry:- Coal

Dated 29.03.2022

AWARD

By Order No.L-20012/58/2013 (IR(CM-I)) dated 01.01.2014, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the management of P.B. Area of M/s BCCL in not providing employment to Sri Ashok Hari, dependent son of Late Arjun Hari under the provisions of NCWA is fair and justified? To what relief the dependent son of Late Arjun Hari is entitled to?”

2. The Tribunal in this matter has passed an award on 08/01/2018 and held as follows:- “Usually after the death of an earning member of family, the family virtually thrown to street. It may not be possible to file claim fulfilling all formality. The objection of management, that the claim has been after long delay has no leg to stand. Hence the workman/claimant be given job waiving formality, to save him from starvation.”

3. The management of P.B. Area of M/s. BCCL being aggrieved by the said award filed a writ petition bearing WP(L) No. 1354 of 2019 before the Hon'ble High Court of Jharkhand at Ranchi. The Hon'ble High Court of Jharkhand at Ranchi has been pleased to observe as follows:- “In view of the aforesaid facts, this court is inclined to allow this petition. Accordingly, award dated 8.1.2018 passed in Reference No. 05 of 2014, whereby, the Presiding Officer, Central Government Industrial Tribunal No.1, Dhanbad has answered the reference against the Management is set aside.

However the matter is remitted back to the Central Government Industrial Tribunal No.1, Dhanbad to pass a fresh speaking award after giving proper opportunities to the parties, preferably within six months from the date of receipt of a copy of this order. The parties are directed to co-operate with the Tribunal.”

4. After production of the order of Hon'ble High Court of Jharkhand at Ranchi passed in WP(L) No. 1354 of 2019 on 16/09/2021 by the claimant dependent son of workman Late Arjun Hari sufficient opportunities were given to both the parties and both the parties were heard at length again.

5. The case of the claimant namely Ashok Hari dependent son of concerned workman namely Arjun Hari as per his written statement is as follows:-

That he is dependent son of Late Arjun Hari, a sweeper of Gopalichak Colliery having his Personnel No. 00554048 who died on 16/03/2000. After death of his father, he had applied for employment on 17/04/2001 which was within the stipulated period of time. After that the management of BCCL handed over to him an employment form for his employment under para 10.4.2 of NCW 930. Thereafter the management of BCCL sent his application form to the B.D.O. Dhanbad and Jamtara for their signatures and after completion of the process of obtaining signatures of S.D.O. Dhanbad and Jamtara, the management of BCCL had sent a letter for his medical test on 24/11/2004. After completion of the process of his medical test the management of BCCL kept mum for five years and subsequently informed him that no claim for employment should be entertained after 18 months of death of workman. The management of BCCL had kept the service file in its office for more than 18 months, so he is not at fault. The application for employment is valid as the date of submitting of application form is on 17/04/2001. He comes from Harizan community, so for the purpose of depriving him from the service of his deceased father, this step has been taken by the management.

The claimant has made prayer for direction to the management for providing employment to him.

6. On the other hand the case of the management as per its written statement submitted by the Project Officer, Gopalichak Colliery, BCCL Dhanbad is as follows:-

That the present I.D. Case raised by the Sri Ashok Hari is neither maintainable in fact nor in law as there remains no employer-employee relation between him and the management. The concerned workman namely Arjun Hari died on 16/03/2000 and after withdrawal of all the retrial benefits by the wife of workman, the present I.D. Case had been raised after 12 years of the death of the workman which is stale dispute. The present dispute has been raised by the claimant after 6 years of regret letter by the management which shows that the claimant is gainfully employed elsewhere. The application for the employment had been made after 26 months of the death of the concerned workman namely Arjun Hari which is not maintainable as per circular of BCCL in which it is mentioned that the no application for employment of compassionate ground should be entertained after 18 months of the death of the employee. The claimant is trying to gain unjust enrichment from the management under the veil of “poor”, “ignorance” and “castism” which is not sustainable. The compassionate appointment cannot be kept reserved for long as held in various cases by the Hon'ble High Court and Supreme Court.

A prayer has been made by the management to pass an award in its favour.

7. The management by way of rejoinder has stated that the statement made in Paragraph I of the written statement of the claimant is reproduction of the terms of reference, statement made in Paragraph II & III of the written statement of claimant are matters of record, the statement made in Paragraph IV & V of the written statement of the claimant are denied, the statement made in Paragraph VI & VII of the written statement of claimant are matter of record, the statement made in Paragraph VIII of the written statement of claimant is denied to the extent that mere process of application does not entitled any person for employment, the statement made in Paragraph IX of the written of the claimant is denied as the application for employment was submitted on 04/06/2002. The statement made in Paragraph X of the written statement of the claimant is denied as the management is not concerned with the caste or creed of any person.

8. The claimant has filed a rejoinder to the written statement of he management in which all the averments made by the management are denied.

9. The claimant has examined only one witness. He is himself Ashok Hari, the claimant.

The WW-1, Ashok Hari has deposed before the Tribunal that his father Late Arjun Hari was an employee of Gopalichak Colliery of M/s. BCCL and was working as a sweeper. He has further stated that his father died on 16/03/2000 and thereafter he has applied for job on compassionate ground on 17/04/2001 in Gopalichak Colliery. He has also deposed that on the basis of his application his medical test was conducted on 24/11/2004.

In the cross-examination he has deposed that at the time of death of his father he was 15 or 16 years old and at that time his mother was alive but she had not applied for the job. He has also stated that his elder brother is 10 to 12 years older than him but he had not applied for the job. He has further deposed that it is not a fact that he had applied for job in 2001. He has also stated that he did not remember whether there was any agreement between his mother and management that he would be given job after attaining majority. He has denied the suggestion that his claim is wrong.

10. The claimant has proved the following documents in support of his case which are marked as:-

Exhibit W-1- Photo Copy of Service Excerpts of deceased workman namely Arjun Hari.

Exhibit W-2- Photo Copy of Application for Employment of Ashok Hari, son of Late Arjun Hari dated 17/04/2001 along with Application Form.

Exhibit W-3- Photo Copy of Letter No. 1959, dated 2/3.9.2003.

Exhibit W-4- Photo Copy of Letter No. 3589 dated 17/19.12.2003.

Exhibit W-5- Photo Copy of Letter no. PBA:AMO:MED:2004/280, dated 24/11/2004 of Dr. K. Sinha, Dy. C.M.O./A.M.O. P.B. Area addressed to the Chief of Medical Services, Central Hospital Dhanbad regarding Audiometary test of Sri Ashok Hari.

Exhibit W-6- Photo Copy of Letter No. PBA:AMO:MED:2004/280 dated 24/11/2004 of Dr. K. Sinha, Dy. C.M.O./A.M.O. P.B. Area addressed to Sri Ashok Hari regarding Report of Urine, TC, DC, ESR and Blood Group.

Exhibit W-7- Photo Copy of Letter No. 932 dated 22/29.07.2006.

Exhibit W-8- Photo Copy of Death Certificate No. 038101 of Late Arjun Hari.

Exhibit W-9- Photo Copy of Family Certificate of Shri Ashok Hari.

Exhibit W-10- Photo Copy of Voter I.D. Card of Shri Ashok Hari issued by Election Commission of India.

11. The management has neither examined any witness nor produced any documents in support of its case.

12. The learned lawyer of claimant has submitted before the Tribunal that earlier this Tribunal had been pleased to pass an Award on 08/01/2018 with a direction to the management to grant compassionate appointment in the present answering claimant but the management has filed a writ petition before the Hon'ble High Court of Jharkhand and the Hon'ble High Court of Jharkhand has been pleased to pass an order in W.P.(L) No. 1354 of 2019 remitting back this reference case after setting aside the Award passed by this Tribunal on 08/01/2018. He has argued that the father of the claimant expired on 16/03/2000 and after death of his father the claimant had applied for his employment on 17/04/2001 i.e. within 13 months of the stipulated period of time. He has also argued that the on 17.04.2001 the management of BCCL had handed over to him an employment form for employment under NCW and after submission of that employment form the management had sent the application form to the B.D.O., Dhanbad and Jamtara for their signatures. He has also argued that the management had informed the claimant regarding his medical test on 24/11/2004 and after completion of medical test the management of BCCL had kept mum for five years. He has further argued that the management

had informed the claimant that the employment application should not be entertained after 18 months of the death/disablement of workman. He has further argued that the claimant has been examined as WW-1 and he has fully supported his case but the management has not examined any witness in support of its case. He has also submitted that after remand of this case by the order of Hon'ble Jharkhand High Court the management had not produced any fresh ground for not providing compassionate appointment to the claimant, so the management had deprived the claimant from getting compassionate appointment.

13. The learned lawyer of the management on the other hand has submitted before the Tribunal that the dispute raised by claimant Ashok Hari is not maintainable as there is no employer-employee relationship between the claimant Ashok Hari and the management of BCCL. He has also argued that after death of workman namely Arjun Hari on 16/03/2000 his wife had received all the retrial benefits and the claimant has filed this I.D after 12 years of death of his father, so it is a stale dispute. He has also argued that the claimant has raised this case after 6 years of regret letter by the management and the application for employment was made after 26 months of the death of Arjun Hari which is not maintainable as per BCCL Circular. He has also submitted that the claimant is trying to gain unjust enrichment. He has further submitted that the application for employment by the claimant was never filed before the management and the WW-1 in his evidence has not mentioned that who had received his application on behalf of management. He has also submitted that mere processing of application does not entitle the claimant for employment. He has also argued that the claimant was called for audiometary test vide letter dated 24/11/2004 but it is not clear whether he had appeared before the Medical Board or not? He has further argued that the management vide its letter no. 1270 dated 24/01/2004 has made it mandatory that no application for dependant employment will be entertained after 18 months from the date of death or disablement. He has also argued that the claimant has other source of income and he gainfully employed elsewhere, so the claim of employment is not proper and justified.

14. He has relied on the decision of Hon'ble Supreme Court as reported in 2003 (99) FLR 337 and 2012 (135) FLR 560. He has also relied on the decision of Hon'ble Allahabad High Court as reported in 2003 (98) FLR 264, Hon'ble Andhra Pradesh High Court as reported in 2003 (97) FLR 93, Hon'ble Rajasthan High Court as reported in 2003 (99) FLR 533 and Hon'ble Punjab and Haryana High Court as reported in 2012 (134) FLR 1014.

15. Now, the only point of consideration in this case is whether the action of the management of P.B. Area of M/s. BCCL in not providing employment to Shri Ahsok Hari dependant son of Late Arjun Hari is fair and justified and if not to what relief he is entitled to?

FINDINGS

16. At the outset of discussion it is required to mention here that it is an admitted fact that Arjun Hari father of claimant Ashok Hari was an employee of P.B. Area of M/s. BCCL having personnel No. 00554048 who died on 16/03/2000.

17. Now, the question arises whether the claimant Ashok Hari had submitted his application for employment within the stipulated period of time of eighteen months as per circular of BCCL Letter No. 1195-1270, dated 06/24.01.2004.

18. It is relevant to mention here that the claimant has categorically stated in his written statement that after death of his father Arjun Hari on 16/03/2000 he had applied for employment under NCWA on 17/04/2001 and thereafter the management of BCCL had obtained signatures of S.D.O. Dhanbad and Jamtara. It has been also mentioned in the written statement of the claimant that his medical test was done on 24/11/2004 but the management kept mum for five years and informed him that no employment should be entertained after eighteen months of death of workman.

On the other hand the management in its written statement has categorically mentioned that the application of the claimant for employment had been submitted after 26 months of death of concerned workman which is not maintainable as per Circular of BCCL and the claimant has raised this dispute after 12 years of death of the concerned workman, so it is a stale dispute.

19. In this regard WW-1 Ashok Hari had categorically stated in his evidence that after death of his father on 16/03/2000 he had applied for job on compassionate ground on 17/04/2001 in Gopalichak Colliery and on the basis of his application his medical test was conducted on 24/11/2004. In the cross-examination he has stated that at the time of death of his father he was 15 to 16 years old and he had denied the fact that he had applied for job in 2001.

20. Now, coming to the documentary evidence of claimant it appears that Exhibit W-1 is the photo copy of service excerpts of deceased employee namely Arjun Hari, Exhibit W-2 is the photo copy of application for employment of Ashok Hari son of Late Arjun Hari dated 17/04/2001 along with application form, Exhibit W-3 is the photo copy of letter of O.P. No. 1959, dated 2/3.9.2004, Exhibit W-4 is the photo copy of O.P. No. 3589 dated 17/19.12.2003, Exhibit W-5 is the photo copy of letter no. PBA:AMO:MED:2004/280, dated 24/11/2004

regarding Audiometric test of Ashok Hari, Exhibit W-6 is the photo copy of letter No. PBA:AMO:MED:2004/280, dated 24/11/2004 regarding report of Urine, TC, DC, ESR and Blood Group of Ashok Hari, Exhibit W-7 is the Photo Copy of letter of O.P. No. 932 dated 22/29.07.2006, Exhibit W-8 is the photo copy of death certificate no. 038101 of Arjun Hari, Exhibit W-9 is the photo copy of family identification certificate of Ashok Hari and Exhibit W-10 is the photo copy of Voter I.D. Card of Shri Ashok Hari issued by Election Commission of India.

21. The management has neither examined any witness nor has produced any documents on this point.

22. Now, after analyzing the oral and documentary evidence of the claimant it is quite apparent that the claimant had applied for employment in the management of BCCL on 17/04/2001 as per Exhibit W-2. Further Exhibit W-3 shows that the management of BCCL of Gopalichak Colliery had issued a letter to the claimant Ashok Hari demanding certain documents vide letter dated 2/3.9.2003. Moreover the Exhibit W-4 shows that the management of Gopalichak Colliery vide its letter dated 17/19.12.2003 also demanded three copies of death certificate of his father and other documents and Exhibit W-5 shows that the DY. C.M.O., P.B. Area had sent a letter to Chief Medical Officer, Central Hospital Dhanbad stating therein that Ashok Hari s/o Late Arjun Hari was being sent for Audiometric Test. Further the Exhibit W-6 shows that Dr. K. Sinha, Dy. C.M.O./A.M.O., P.B. Area vide letter No. PBA AMO:MED:2004/280 dated 24/11/2004 had written a letter to Ashok Hari advising him to appear before the Area Medical Board at Pootkee Balihari Area Office along with three attested passport size photographs, for routine examination of Urine, TC, DC, ESR and Blood Group. Further the Exhibit W-7 shows that the Area Personnel Manager, P.B. Area had issued a letter to the Project Office Gopalichak Colliery informing him that no claim for employment should be entertained after 18 months from the death of the workman.

23. It is relevant to mention here that the management has denied that the workman had submitted his application for employment within eighteen months. Moreover it is the case of management that the claimant had submitted the application on 04/06/2002 after 26 months of the death of concerned workman namely Arjun Hari but the management has neither produced any oral evidence nor documentary evidence in support of its case, so the management has failed to discharge onus of proof on this point.

It is also relevant to mention here that Chairman-cum-Managing Director of BCCL had issued the circular No. 1195-1270 on 6/24.01.2004 whereas the case of claimant is of year 2000, so a letter issued in the year 2004 cannot be retrospectively applicable in the case of claimant. Hence the circular of BCCL No. 1195-1270 is not applicable in this case.

24. However the claimant has submitted the photo copy of application (Exhibit W-2) submitted by claimant Ashok Hari which shows receiving of the application on 17/04/2001 which is within 18 months of specified period mentioned in the Circular of BCCL No. 1195-1270 dated 06/24.01.2004. It is also relevant to mention here that the management of BCCL had processed the application of the claimant and has asked to submit the required documents and to appear for audiometric test which shows that the management of BCCL had impliedly agreed to provide employment to the claimant but only to deny the employment to the claimant, a provision has been searched out, which is not maintainable.

In view of above discussion it is quite apparent that the claimant has succeeded in establishing its case that he had submitted the application for employment within the stipulated period whereas management had not produced any documents to show that there was delay on the part of the claimant to submit application before the management.

25. The management had relied on the decision of Hon'ble Supreme Court as reported in **2003 (99) FLR 337** in which the Hon'ble Supreme Court has been pleased to hold that the appointment under death in harness scheme – application filed after long lapse of time has got no legal right to ask for appointment.

Here in this case the claimant has filed an application for employment within the stipulated period fixed by the management of BCCL and there is no delay, so the facts and circumstances of this case is different from the facts and circumstances of the case on which the Hon'ble Supreme Court has been pleased to decide.

The learned lawyer of the management had further relied on the decision of Hon'ble Supreme Court as reported in **2012 (135) FLR 560** in which the Hon'ble Supreme Court has been pleased to hold that the compassionate appointment cannot be claimed as a matter of right and claim to be considered in accordance with the rules, regulations, or administrative instructions governing the subject.

Here in this the claimant had submitted his application within eighteen months as stipulated in the Circular of BCCL No. 1195-1270 dated 06/24.01.2004 and consequently his application for employment was processed but later on the management declined to give employment to claimant on the ground that the application was submitted after eighteen months which is not correct as the management had not produced any documents.

Hence, the facts and circumstances of this case is different from the facts and circumstances on which the Hon'ble Supreme Court has been pleased to decide.

The management has also relied on the decision of Hon'ble Allahabad High Court as reported in **2003 (98) FLR 264** whereas the Hon'ble Allahabad High Court has been pleased to hold that petitioner was minor at that time and claimed appointment at belated stage, after attaining majority was not accepted and no scope of an interference.

Here in this case it is a fact that the claimant Ashok Hari was 15 or 16 years of age at the time of death of his father but he had submitted the claim of his employment after one year and his application was processed without mentioning this fact but the management had declined the employment not on the ground of minority at the time of death of his father but on the ground of submitting the application after 18 months of death of his father which is not acceptable. Further at the time of declining employment by the management, the claimed had become major.

In view of such fact the decision of Hon'ble Allahabad High Court as reported in this case is not applicable in this case.

The learned lawyer of management has also relied on the decision of Andhra Pradesh High Court as reported in **2003 (97) FLR 93** in which the Hon'ble Andhra Pradesh High Court has been pleased to hold that the application for compassionate appointment was submitted after lapse of eight years, so the appointment could not be sought, as a matter of right or as a matter of course.

Here in this case the claimant had submitted his application of employment within the stipulated period of time.

In view of such, the facts and circumstances of this case is different from the facts and circumstances of the case on which the Hon'ble Andhra Pradesh High Court has been pleased to decide, so this decision is not applicable in this case.

The management has also relied on the decision of Hon'ble Rajasthan High Court as reported in **2003 (99) FLR 533** in which the Hon'ble Rajasthan High Court has been pleased to hold that purpose of such compassionate appointment is to mitigate the hardship and the financial condition of family of deceased has to be examined and it should be provided strictly in accordance with rules.

Here in this case the claimant has already submitted the claim of his employment within the stipulated period and the management of Gopalichak Colliery had completed all the process of appointment but all of sudden after five years it has been decided that no claim for appointment should be entertained. ‘

In view of such the facts of this case is different from the facts and circumstances of the case on which the Hon'ble Rajasthan High Court has been pleased to decide, so this decision also not applicable in this case.

The learned lawyer of management has relied on the decision of Punjab and Haryana High Court as reported in **2012 (134) FLR 1014** in which the Hon'ble Punjab and Haryana High Court has been pleased to hold that the date of death of an employee is an important factor to be taken into consideration and employer is within its power to lay down a policy for compassionate appointment.

Here in this case the management of BCCL had issued a Circular vide letter no. 1195-1270 dated 06/24.01.2004 in which certain directions have been given to all Area C.G.M/G.M regarding the employment to the dependent of a deceased/disabled worker, as per NCWA provisions in which there is a provision that no application for dependent employment will be entertained after 18 months and Colliery officials to give receipt on submission of application with a copy to the Area Dy. CPM/PM and maintain a register of claim of employment. Further a direction has also been given to the Colliery officials to process the case within two weeks of receipt of application and Area Personnel Deptt. to maintain a register and also scrutinize the same and forward to Headquarters with check list.

Here in this case the claimant had already submitted his application on 17/04/2001 after death of his father on 16/03/2000. Moreover the management has not produced any paper/register to show that all the procedures as mentioned in the Circular No.-1195-1270 had been fully complied with.

26. In view of such the management of BCCL had not followed its rules properly.

27. Now, after examining all the facts and circumstances of the case, the Tribunal comes to the conclusion that the claimant Sri Ashok Hari is entitled for employment after death of his father in harness as per NCWA.

28. In view of such the Tribunal finds and holds that the management of P.B. Area of M/s. BCCL in not providing employment to Shri Ashok Hari, dependent son of Late Arjun Hari under provision of NCWA is not fair and justified.

29. Hence, the concerned workman is entitled for relief which is as under:-

The management of P.B. Area of M/s BCCL is directed to give employment to claimant Sri Ashok Hari son of Late Arjun Hari within one month after publication of award in the Official Gazette.

This is the Award of the Tribunal.

DINESH KUMAR SINGH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2022

का.आ. 420.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 21/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.04.2022 को प्राप्त हुआ था।

[सं. एल-20012/93/2005-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 27th April, 2022

S.O. 420.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2006) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 27.04.2022.

[No. L-20012/93/2005-IR (C-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 21/2006

Employer in relation to the management of Bagdigi Colliery of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 29.03.2022

AWARD

By Order No.L-20012/93/2005-IR(C-I) dated 09.12.2005 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of the Janta Mazdoor Sangh from the management of Bagdigi Colliery of M/s. BCCL for regularizing S/Sri. Ramesh Gope and 13 others (as per list) in the post of Roof Bolt is justified? If so, to what relief are the concerned workmen entitled and from what date?”

2. The reference is received on 02/01/2006 by this Tribunal in which the Vice President, Janta Mazdoor Sangh, Jharia, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed and the union/workman appeared on 12/05/2006 thereafter neither the union/workman nor the management appeared before the Tribunal. Further again regd. notice was issued to both the parties but even than no one appeared from either side. Now the Case is pending since 02/01/2006 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2022

का. आ. 421.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजक और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1ए धनबाद के पंचाट (संदर्भ संख्या 112/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.04.2022 को प्राप्त हुआ था।

[सं. एल-20012/43/2001-आईआर (सी-1)]
राजेन्द्र सिंह, अवर सचिव

New Delhi, the 27th April, 2022

S.O. 421.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 112/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 27.04.2022.

[No. L-20012/43/2001-IR (C-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 112/2001

Employer in relation to the management of Katras Area of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 30.03.2022

AWARD

By Order No.L-20012/43/2001 (C-I) dated 30.04.2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“क्या राष्ट्रीय को० मजदूर संघ को भारत को० को० लि०, केशलपुर कोलि० के प्रबंधतंत्र से मांग कि स्व० कुंती बाउरिन के आश्रित पुत्र श्री दुर्ग बाउरी को NCWA IV के प्रबंधानुसार अनुकंपन आधार पर नियुक्ति दी जाए, उचित एवं न्यायसंगत है? यदि हाँ तो उक्त आश्रित किस राहत के पात्र हैं?”

2. The reference is received on 04/06/2001 by this Tribunal in which the Secretary of Rashtriya Colliery Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now Case is pending since 04/06/2001 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2022

का.आ. 422.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 157/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.04.2022 को प्राप्त हुआ था।

[सं. एल-20012/123/2001-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 27th April, 2022

S.O. 422.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 157/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 27/04/2022

[No. L-20012/123/2001-IR (C-1)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 157/2001

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer.

Appearances:

For the Employers : Sri D. K. Verma, Advocate

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 28.03.2022

AWARD

By Order No.L-20012/123/2001-IR(C-1) dated 10.07.2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of M/s. BCCL in not accepting the date of birth of Sri Ram Swarup Saw as 1. 7. 1943 as recorded in the service excerpts is fair and justified? If not, to what relief is the concerned workman entitled?”

2. The reference is received on 06/08/2001 by this Tribunal in which the Secretary of Rashtriya Colliery Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However, after receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently workman/union left appearing before this Tribunal. Thereafter, again regd. notices were issued to both the parties but even then no one appeared on behalf of the workman/union. Now this case is pending since 06/08/2001 and workman/union is not appearing before Tribunal, so it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2022

का.आ. 423.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 164/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.04.2022 को प्राप्त हुआ था।

[सं. एल-20012/181/2001-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 27th April, 2022

S.O. 423.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 164/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 27.04.2022.

[No. L-20012/181/2001-IR (C-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 164/2001

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer.

Appearances:

For the Employers : Sri D. K. Verma, Advocate

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 30.03.2022

AWARD

By Order No.L-20012/181/2001-IR(C-I) dated 11.07.2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“क्या रा.को.म.संघ की मांग कि श्री सरबन भुईया, श्री प्रयाग भुईया के दामाद को NCWA-V के प्रबंधानुसार नियुक्ति दी जाए उचित एवं न्यायसंगत है? यदि हाँ तो उक्त आवेदक किस राहत के पात्र हैं?”

2. The reference is received on 09/08/2001 by this Tribunal in which the Vice President of Rashtriya Colliery Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However, after receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently workman/union left appearing before this Tribunal. Thereafter, again regd. notice was issued to both the parties but even then no one appeared on behalf of the workman/union. Now this case is pending since 09/08/2001 and workman/union is not appearing before Tribunal, so it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2022

का.आ. 424.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1ए धनबाद के पंचाट (संदर्भ संख्या 250/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.04.2022 को प्राप्त हुआ था।

[सं. एल-20012/213/2001-आईआर (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 27th April, 2022

S.O. 424.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 250/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of C.C.L. and their workmen, received by the Central Government on 27.04.2022.

[No. L-20012/213/2001-IR (C-1)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 250/2001

Employer in relation to the management of Bokaro Colliery of M/s. CCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : Sri D. K. Verma, Advocate

For the workman. :- None

State : Jharkhand.

Industry:- Coal

Dated 30.03.2022

AWARD

By Order No.L-20012/213/2001-IR(C-1) dated 23.11.2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Bokaro Colliery of M/s. C.C.L. in not giving protection of wages to Shri Gaji Ram and 7 others (as per list,) upon regularisation as piece rated workers is justified? If not, to what relief are the workmen concerned entitled?”

List of Workmen**1. Gaji Ram****2. Chasia Ram****3. Rambandan Tiwary****4. Chandra Shekhar****5. S.L. Nayek****6. Gajadhar Rejak****7. Bhim Gowala****8. Devender Rai**

2. The reference is received on 06/12/2001 by this Tribunal in which the Area Secretary of N.C.O.E.A, Bokaro had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but the workman/union didn't appear before the Tribunal. Further the management has appeared on certain dates but union/workman has failed to appear before the Tribunal and the notice of the workman/union returned with endorsement "No Trace". Now the Case is pending since 06/12/2001 and workman/union is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2022

का.आ. 425.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1ए धनबाद के पंचाट (संदर्भ संख्या 69/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.04.2022 को प्राप्त हुआ था।

[सं. एल-20012/354/2001-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 27th April, 2022

S.O. 425.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 27.04.2022.

[No. L-20012/354/2001-IR (CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 69/2001**

Employer in relation to the management of Bhowra OCP of M/s. BCCL

AND**Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry:- Coal

Dated 29.03.2022

AWARD

By Order No.L-20012/354/2000 (C-I) dated 02.03.2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of BCCL, Bhowra OCP in dismissing Shri Balbinder Singh, Mech. Fitter from service w.e.f. 6.7.98 is fair and justified? If not, to what relief is the said workman entitled?”

2. The reference is received on 03/04/2001 by this Tribunal in which the Secretary of Bihar Colliery Kamgar Union, Bhowra, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now Case is pending since 03/04/2001 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence No Dispute Award is passed. Communicate.

D.K. SINGH, Presiding Officer

नई दिल्ली, 27 अप्रैल, 2022

का.आ. 426.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1ए धनबाद के पंचाट (संदर्भ संख्या 20/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.04.2022 को प्राप्त हुआ था।

[सं. एल-20012/72/2018-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 27th April, 2022

S.O. 426.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2018) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 27.04.2022.

[No. L-20012/72/2018-IR (CM-1)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 20/2018

Employer in relation to the management of Koyla Bhawan, Koyla Nagar of M/s. BCCL

AND

Their workman

Present: Shri Dinesh Kumar Singh, Presiding Officer

Appearances:

For the Employers : Sri Navin Mohan Kumar, Advocate

For the workman. : Sri Manas Chatterjee, Representative

State : Jharkhand.

Industry:- Coal

Dated 29.03.2022

AWARD

By Order No.L-20012/72/2018 (IR(CM-I)) dated 31.10.2018 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“The Bihar Colliery Kamgar Union has raised the ID on 14.06.2017 over denial of promotion to Sri Krishna Prasad Nonia, Ex. Auto Electrician Gr. B for last 28 years by the Management of M/s BCCL, whereas the concerned workman has been promoted as follows during his service period.”

1. Promoted from EXCVN. Gr.-C to EXCVN. Gr.-B on 01.03.1989
2. Upgraded in Excavation – Category-4
3. Upgraded in Special Grade w.e.f. 01.01.2005
4. Provided Service Linked Increment (SLI) w.e.f. 01.01.2013
5. And granted four promotions including SLP/SLI/SLU, he has not found entitled for an increment in lieu of SLP in his retiring year, who retired in December 2017.”

2. The reference is received on 03/12/2018 by this Tribunal in which the Joint Secretary, BCKU, Dhanbad had been advised to submit statement of claim along with relevant document within fifteen days but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed and both of them appeared before the Tribunal. Further in course of hearing of the case, the General Secretary of BCKU, Sri Manas Chatterjee has informed that union is not interested in contesting the case. In view of such it is felt that the workman has lost its interest in this matter. Hence “No dispute” award is passed. communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 28 अप्रैल, 2022

का.आ. 427.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 3/2015) को प्रकाशित करती है।

[सं. एल-12011/67/2014-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 28th April, 2022

S.O. 427.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 3/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/67/2014-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR**

NO. CGIT/LC/R/3/2015

Present: P. K. Srivastava, H.J.S..(Retd)

The General Secretary,
Rashtriyakruth Bank Karmchari Sangathan,
F-1, Tripti Vihar, Opp.Engineering College
Ujjain (M.P.)
Workman

Versus

The Chief General Manager,
State Bank of India,
L.H.O., Hoshangabad Road,
Bhopal (M.P.)
Management

AWARD

(Passed on this 31st day of March-2022)

As per letter dated 23-12-2014 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/67/2014-IR(B-1). The dispute under reference relates to:

“Whether the action of the management of State Bank of India, Bhopal in terminating the services of workman Shri Alok Shrivastava w.e.f. 14-9-1995 is justified? If not, what relief the workman is entitled to? .”

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim/defence.
2. During the course of hearing, a preliminary objection regarding the maintainability of this reference was raised by learned counsel for the management, hence I have heard learned counsel for both the sides on the maintainability of reference. I have perused the record as well. The reference has been detailed earlier.
3. The claim of the workman is that a departmental inquiry was instituted against him which was conducted against all legal principles, without giving the workman a proper opportunity to defend and he was terminated on the basis of the inquiry report in which the charges were found wrongly proved. Further that a criminal case was registered by police with respect to the same charges in which he was acquitted after trial and appeal against the acquittal was also dismissed. After acquittal, the workman filed review petition before the Management to reconsider the punishment order, after reviewing it in view of the fact that the basis of the charges in the criminal trial and departmental inquiry was the same and the workman was acquitted in criminal trial. This review petition was also dismissed by the Management. Thereafter the workman filed a writ petition before Hon'ble the High Court which was dismissed after hearing. Thereafter the workman raised the dispute after failure of conciliation and reference was sent by the Central Government to this Tribunal for award.
4. The case of the Management with respect to preliminary objection is that the punishment order was challenged by workman before the Hon'ble High Court of M.P., Bench Indore in W.P.No.2107/2000 **Alok Kumar Shrivastava Vs. State Bank of India and Others**, the said writ petition was dismissed by Hon'ble High Court vide order dated 1-8-2013 on merits holding that the workman was rightly found guilty of the charges levelled against him. The case of the management is that the finding and judgment of the Hon'ble High Court in the said writ petition will be operative as **res-judicata**, hence the reference is not maintainable as such.
5. After hearing both the sides on preliminary objection and perusal of the written arguments of Management, the point which comes up for determination is whether the judgement of Hon'ble High Court of M.P. No.2107/2000 will operate as **res-judicata** to the case in hand or not? Section 11 of the Civil Procedure code 1908 requires to be produced here which is as follows:-

Section 11. Res judicata.

“No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.”

Explanation I.-- The expression former suit shall denote a suit which has been decided prior to a suit in question whether or not it was instituted prior thereto.

Explanation II.-- For the purposes of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court.

Explanation III.-- The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation IV.-- Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation V.-- Any relief claimed in the plaint, which is not expressly granted by the decree, shall for

the purposes of this section, be deemed to have been refused.

Explanation VI.-- Where persons litigate *bona fide* in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating .

¹[**Explanation VII.--** The provisions of this section shall apply to a proceeding for the execution of a decree and references in this section to any suit, issue or former suit shall be construed as references, respectively, to a proceeding for the execution of the decree, question arising in such proceeding and a former proceeding for the execution of that decree.

Explanation VIII.-- An issue heard and finally decided by a Court of limited jurisdiction, competent to decide such issue, shall operate as *res judicata* in a subsequent suit, notwithstanding that such Court of limited jurisdiction was not competent to try such subsequent suit or the suit in which such issue has been subsequently raised.]

6. Thus for a judgment to operate as **res-judicata**, the requirement would be that the earlier dispute was within the same parties or within the persons claimed, through the same parties. Secondly, the matter in dispute should be one and the same in both the cases, and thirdly the dispute was heard and decided in the first case on merits.

7. Now coming to the order of Hon'ble High, in the said writ petition which is in file as Exhibit W-19 goes to show that the writ petition was filed by the workman against the order of his dismissal dated 14-9-1995 and of the Appellate Authority, confirming the dismissal order vide order dated 1-8-1998. It was held by Hon'ble High Court that during the departmental inquiry the workman accepted his guilt, hence there was no ground for him to get the relief of review of the order, after his acquittal by criminal Court on the same charges. The said order is a detailed one which shows that it has been passed on merits on points raised and the writ petition has been dismissed. Now two dispute has been heard and decided on merits by writ Court. The same dispute cannot be heard and decided on merits the second time by this Tribunal, as this is against judicial discipline and also the first order will operate as **res-judicata** . The proper remedy the workman could have had was that he should have filed a writ appeal against the said order of Single Bench of Hon'ble High Court as referred above.

8. On the basis of the above discussion the reference is held barred by **res-judicata** and is answered accordingly.

A. Accordingly the action of the management of State Bank of India, Bhopal in terminating the services of workman Shri Alok Shrivastava w.e.f. 14-9-1995 is held just and proper.

B. The workman is held entitled to no relief.

9. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 28 अप्रैल, 2022

का.आ. 428.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 60/2012) को प्रकाशित करती है।

[सं. एल-12012/12/2012-आईआर (बी-1)]

डी. गुहा, गुहा अवर सचिव

New Delhi, the 28th April, 2022

S.O. 428—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/12/2012– IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/60/2012****Present:** P. K. Srivastava, H.J.S..(Retd)

Shri Kamlesh Kumar Prajapati,
S/o Shri Ramdas Prajapati,
R/o Sneh Nagar Colony,
Ward No.15, Lahar,
District Bhind.

... Workman

Versus

The Branch Manager,
State Bank of India,
Ajnar Branch
District Bhind (M.P.)

...Management

AWARD**(Passed on 31-3-2022)**

As per letter dated 2/4/2012 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/12/2012-IR(B-1). The dispute under reference relates to:

“Whether the action of the management of Branch Manager, State Bank of India, Bhopal in terminating Shri Kamlesh Kumar prajapati S/o Ramdas prajapati from services, w.e.f. 27-11-2010 is legal and justified? To what relief the workman is entitled?” .

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim/defence.
2. The case of the workman as stated in his statement of claim is that he was appointed as a fourth class daily wager engaged in cleaning work by the then Branch Manager, State Bank of Indore, Branch Ajnar, District Bhind and has been working till 27-11-2010 when his services were terminated under an oral order of Management. The State Bank of Indore was merged in State Bank of India, hence all the officers/employees of State Bank of Indore also became the employees of the State Bank of India. According to the workman no notice or compensation was given to him before his dis-engagement. He had completed 240 days in continuous service in every year, hence his dis-engagement is against Section 25F of the Industrial Disputes Act, 1947 (hereinafter referred to as the word Act). The management continued another daily wager Surendra Kumar who was appointed on the same date in service and was also regularized in service, which is against law. Accordingly, the workman had prayed that setting aside his dis-engagement, he be reinstated in service with back wages and all consequential benefits.
3. The case of the Management in brief is that the State Bank of Indore was merged with the State Bank of India vide notification of Central Government which came into force from 17-8-2010. As per Clause 7 & 8 of the notification, every permanent officer/employee of the transferor bank including the officers and employees on probation, serving in the employment of the transferor bank immediately before the effective date would hold service in the transferee bank on such terms and conditions as approved by the Central Board of transferee bank. The Officers and employees of the transferor bank shall be given an offer of employment and shall be given an option in writing to the transferee bank for their absorption, within the prescribed time. According to the management, the workman was working as a daily wager on casual basis subject to availability of work for almost one hour a day in the State Bank of Indore, but he never completed 240 days in continuous

service in any calendar year, hence his dis-engagement is not against law. Accordingly, the Management has prayed that the reference be answered against the workman.

4. The workman has examined himself on oath, wherein he has mainly reiterated his claim. He proved some photocopy documents regarding payment of wages to him during different period. These documents are photocopy which were marked as exhibits by my learned Predecessor at the time of recording statement. The Management has examined this witness Sunny Singh, Assistant Manager who has reiterated the case of the Management as stated in the written statement of defense. He has not been examined by workman, because he was not produced for cross-examination.

5. I have heard arguments of learned counsel Shri N.B.Sharma, for the workman and learned Counsel Shri Ashish Shrotri, for the Management and have perused the record.

6. The following issues come up for determination, for the case in hand :-

1. **Whether the workman has successfully proved his continuous engagement for 240 days and more in every calendar year, including the year preceding the date of his dis-engagement?**
2. **Whether the dis-engagement of workman is against law?**
3. **Whether the workman is entitled to any relief?**

7. **Issue No.1:-** Before entering into any discussion, Section 25B of the Industrial Disputes Act, 1947 requires to be produced here which is as follows:-

Section 25 B:-

Definition of continuous service.- For the purposes of this Chapter,--

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman; (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and (ii) two hundred and forty days, in any other case; (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than- (i) ninety-five days, in the case of a workman employed below ground in a mine; and (ii) one hundred and twenty days, in any other case.

8. Pleadings of the parties on this issue has been detailed earlier. The workman has stated on oath in his affidavit as his examination-in-chief that he continuously worked for 240 days in every calendar year. He has been cross-examined by Management on this point but there is nothing in his cross-examination to discredit him on this point. His statement is further corroborated to some extent by the photocopy documents in the form of payment vouchers for different year and certificates. On the other hand, there is an affidavit of the Management witness who never turned up for cross-examination due to which it cannot be read in support of the case of the Management, hence in these circumstances, the claim of the workman that he worked continuously for 240 days and more in every calendar year is held proved. **Issue No.1 is answered accordingly.**

9. **ISSUE NO.2:-** Before discussing issue no.2, Section 25G of the Industrial Disputes Act, 1947 is being reproduced as follows:-

25G. Procedure for retrenchment.- Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

10. Not disputed is the fact that, no notice or compensation was given to the workman before his dis-engagement, hence his dis-engagement is held against law, particularly against Section 25G of the Act. **Issue No.2 is answered accordingly.**

11. **ISSUE NO.3:-** Since the dis-engagement of the workman has been held against law, the question arises as to what relief he is entitled to. He has claimed the relief of reinstatement with back wages. There is a

clause in the merger notification which proves absorption on only regular employees of the then State Bank of Indore. The workman is proved to be a daily wage casual labour working with the Bank and hence not a regular employee. Hence, the relief of reinstatement cannot be granted to him. Also because of the fact that he was not appointed following the recruitment procedure against a sanctioned vacancy. Keeping in view the period of engagement and other facts and circumstances of the case in hand, the lump sum compensation of Rs.1,00,000/- (one lakh) in lieu of the claims of the workman will meet the ends of justice. **Issue No.3 is answered accordingly.**

12. On the basis of the above discussion, following award is passed:-

A. The action of the management of Branch Manager, State Bank of India, Bhopal in terminating Shri Kamlesh Kumar Prajapati S/o Ramdas prajapati from services, w.e.f. 27-11-2010 is held not just and proper.

B. The workman is held entitled to a lump sum compensation of Rs.1,00,000/-(one lakh rupees) as full and final settlement of his claims.

13. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 28 अप्रैल, 2022

का.आ. 429.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर मध्य रेलवे प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 45/2019) को प्रकाशित करती है।

[सं. एल-41011/60/2016-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 28th April, 2022

S.O. 429.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2019) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow as shown in the Annexure, in the industrial dispute between the management of North Central Railway and their workmen.

[No. L-41011/60/2016- IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT LUCKNOW

PRESENT : SOMA SHEKHAR JENA, HJS (Retd.)

I.D. No. 45/2019

Ref. No. L-41011/60/2016-IR(B-I) dated: 15.01.2018

BETWEEN :

General Secretary
Rail SewakSangh
J 422, Indralok Colony
Kanpur Road, Lucknow.

AND

The Dy. Chief Engineer (Bridge)/Line)
North Central Railway
Jhansi

AWARD

1. By order No. L-41011/60/2016 - IR(B-I) dated: 15.01.2018 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of

Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute to this CGIT-cum-Labour Court, Lucknow for adjudication

2. The reference under adjudication is:

“WHETHER THE ACTION OF THE MANAGEMENT OF DY CHIEF ENGINEER (BRIDGE) LINE, LINE, NC RLY, JHANSI IN NOT MAKING PAYMENT FOR THE INTERVENING PERIOD FROM 20.02.2013 TO 09.01.2014 TO SHRI S.N. SRIVASTAVA, THE THEN JE (BRIDGE) IS LEGAL AND JUSTIFIED AND IF NOT, WHAT RELIEF THE WORKMAN IS ENTITLED TO?”

3. The order of reference was endorsed to the General Secretary, Rail Sewak Sangh, J 422, Indralok Colony, Kanpur Road, Lucknow with direction to the party raising the dispute to file the statement of claim along with relevant documents and witnesses with the Tribunal within fifteen days of the receipt of the order of reference and also forward a copy of such a statement to each one of the opposite parties involved in this dispute under rule 10 (B) of the Industrial Disputes (Central), Rules, 1957.

4. The order of reference was registered in the Tribunal on 16.08.2019 and the office was directed to issue registered notice to the workman's union for filing the statement of claim with list of documents & list of witnesses on 21.10.2019. On the date fixed i.e. 21.10.2019 none turned up on behalf of the union; however, the envelope containing notice to the workman's union had been received back in the office unserved with remark 'not known/lene se mana kiya', therefore, the service of notice was sufficiently presumed. Management also did not turn up nor the notice issued to the management was received back in the office unserved. Further dates were being fixed in the interest of justice for filing of statement of claim. The workman union remained absent on 01.09.2020, 09.12.2020, 03.02.2021, 13.04.2021, 01.09.2021, 16.11.2021, 10.02.2022 and 18.02.2022. The union neither turned up on any of the aforementioned dates nor moved any application for adjournment seeking time to file the statement of claim. More than two years' time has passed and the workman's Union has failed to file its statement of claim, therefore, the case was reserved for award keeping in view the reluctance of the workman's Union to prosecute the case.

5. In the above circumstances, it appears that the workman's Union does not want to pursue its claim on the basis of which it has raised the present industrial dispute; therefore, the present reference order is decided as if there is no grievance left with the workman's union. Resultantly, no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

6. Award as above.

Let two copies of this award be sent to the Ministry for publication.

LUCKNOW.

16th March, 2022

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली, 28 अप्रैल, 2022

का.आ. 430.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 94/2014) को प्रकाशित करती है।

[सं. एल-12011/84/2014-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 28th April, 2022

S.O. 430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.94/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/84/2014—IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR
NO. CGIT/LC/R/94/2014

Present: P. K. Srivastava, H.J.S..(Retd)

The General Secretary,
Dainik Vetan Bhogi Bank Karmachari Sangathan
F-1, Karmbhomi” Tripti Vihar,
Opp.Engineering College,
Ujjain (M.P.)

...Workman

Versus

The State Bank of India
Regional Head Office,
Hoshangabad Road,
Bhopal (M.P.)

...Management

AWARD

(Passed on this 23rd day of March-2022)

As per letter dated 12-12-2014 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/84/2014-IR(B-1). The dispute under reference relates to:

“Kya Tatkaleen State Bank of Indore Tatha Vartman mein Bharitya State Bank, Sthaniya Pradhan Karyalaya Hoshangabad Madhya Pradesh, dwara Shri Abdul Wahab ko 1-7-1997 se 17-8-2012 tak kam karwakar bina kese notice ya muawja ke kam se pruthak kar dena o.v.adhi,1947 ke pravdhanon ka ulanghan hai. Agar Nahi to Shri Abdul Wahab kes anutosh ke adhikari hai? .”

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of defense/claim.
2. At the stage of evidence no evidence was produced by the workman. The Management also did not produce any evidence.
3. I have heard arguments of learned counsel for the Management. No one was present for the workman.
4. **The Reference is the issue for determination in the case in hand.**
5. The burden to prove his claim is one the workman in which he has miserably failed. Hence holding the case of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.
6. On the basis of the above discussion, following award is passed:-
 - A. **The action of the management as mentioned in the reference is held to be just and proper.**
 - B. **The workman is held entitled to no relief.**
7. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 अप्रैल, 2022

का.आ. 431.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स जे एंड के बैंक लिमिटेड प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 22/2014) को प्रकाशित करती है।

[सं. एल-12012/42/2014-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 29th April, 2022

S.O. 431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –II, Chandigarh* as shown in the Annexure, in the industrial dispute between the management of M/s. J&K Bank Limited and their workmen.

[No. L-12012/42/2014–IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sh. S.K. Thakur, Presiding Officer

ID No.22/2014

Registered on:-22.08.2014

Sh. Govind Singh S/o Sh. Jadev Singh, R/o Jindrah,
Distt. Jammu (J&K).

... Workman

Versus

1. The Chairman, M/s J&K Bank Limited, Corporate Head Quarter, Maulana Azad Road, Srinagar(J&K).
2. The Managing Director, M/s J&K Bank Limited, MA Road, Srinagar(J&K).
3. The Manager Disciplinary Cell, Jammu and Kashmir Bank, Zonal Office, Rail Head Complex, Jammu.

... Respondents/Managements

WARD

Passed on:-08.03.2022

Central Government vide Notification No.L-12012/42/2014-IR(B-1), Dated 11.08.2014, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the action of the management of J&K Bank Limited in terminating the services of Shri Govind Singh S/o Shri Jagdev Singh, R/o Jindrah, Post Jindrah, District Jammu w.e.f. 23.09.2004 is legal and justified? If not, what relief the workman is entitled to and from which date?”

1. On the receipt of the above reference, notice was sent to the workman as well as to the respondents/managements. The postal article sent to the workman, referred above, is duly delivered to the workman. On 24.02.2022, an application for substitution by Smt. Kamlesh Devi, wife of the Sh. Govind Singh as the legal heir of the workman Sh. Govind Singh due to his death in the meanwhile on 06.04.2021 was filed. Through the same application for withdrawal of the case has also been filed through the learned counsel of the deceased-workman Sh. Govind Singh, which is kept on record. The reasons for withdrawal of the claim has been mentioned as considerate view being taken by the management on pensionary/retiral benefits to widow of the deceased workman.

2. On 03.03.2022, the case was taken up in the Camp Court at Jammu. The wife of the deceased-workman Smt. Kamlesh Devi applicant/LR appeared on 03.03.2022 along with her representative Sh. Vikram

Singh Jamwal in the Camp Court at Jammu and filed a statement in writing to withdraw this case from the Tribunal, which is kept on record. The widow of the deceased workman also submitted verbally that the management has assured to grant family pension to the widow of the deceased workman.

3. Since the wife/LR of the deceased-workman Sh. Govind Singh is not interested in adjudication of the matter on merit this Tribunal is left with no option, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No.22/2014.

4. Let the copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer